

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 9, 2004**

AGENDA ITEM NO.: 12

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Request for Extension of Deadline for Compliance with a CUP Condition; Jerry Falwell Ministries**

RECOMMENDATION: Grant an extension to Jerry Falwell Ministries to the condition that construction of the westbound ramp onto U.S. Route 460 be completed by December 16, 2004. Condition the extension on a requirement that surety for the construction be increased to an amount consistent with a current estimate of cost.

SUMMARY: The Conditional Use Permit (CUP) granted to Jerry Falwell Ministries for the revised plan for Liberty University, Lynchburg Christian Academy, and other uses at the former Ericsson property included a condition that a ramp would be constructed onto westbound U.S. Route 460 within a year. The attached letter to City Planner Tom Martin asks for an extension of the deadline for satisfaction of that condition. As Mr. Falwell will be present for two other matters before Council on November 9, this matter has been added so that Mr. Falwell can explain his request to Council.

NOTE: This request raises several legal questions that Council should consider before granting the extension. The matter has been scheduled for Close Session discussion after the matter is introduced in open session.

PRIOR ACTION(S): December 16, 2004, Council granted Jerry Falwell Ministries a CUP for 100 Mountain View Road, 1971 University Boulevard and Liberty Mountain Drive to allow university and K –12 uses.

FISCAL IMPACT: N/A

CONTACT(S): Tom Martin

ATTACHMENT(S): Letter from Jerry Falwell, Jr. dated November 3, 2004

REVIEWED BY: lkp



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COMMUNITY PLANNING
& DEVELOPMENT

Office of General Counsel

November 3, 2004

Mr. Tom Martin
City Planner
City of Lynchburg
P.O. Box 60
Lynchburg, VA 24505

Re: Liberty University Conditional Use Permit Dated December 16, 2003

Dear Tom:

Liberty University hereby requests that it be placed on the agenda of City Council for the purpose of requesting an extension of the deadline for the construction of the westbound highway ramp on U.S. Route 460. One of the conditions of the above referenced Conditional Use Permit required construction of the ramp by December 16, 2004.

The delay will be necessary to finalize the negotiations with VDOT over the design of the ramp. Liberty University would like to commence construction as soon as weather permits in the Spring of 2005.

Thank you.

Sincerely,

Jerry Falwell, Jr.
General Counsel